

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. 2004-141

KATHY ANN ARREDONDO
1645 Willow Ave
Clovis, CA 93612

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on March 25, 2004.

IT IS SO ORDERED March 11, 2004.

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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of the State of California
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

12 KATHY ANN ARREDONDO
1645 Willow Ave
13 Clovis, CA 93612

Respondent.
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Case No. 2004-141

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Paul V.
23 Bishop, Deputy Attorney General.

24 2. Kathy Ann Arredondo (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about March 28, 2003, the Board of Registered Nursing,
27 Department of Consumer Affairs received an application for a Registered Nurse License from
28 Kathy Ann Arredondo (Respondent). On or about March 21, 2003, Kathy Ann Arredondo

1 certified under penalty of perjury to the truthfulness of all statements, answers, and
2 representations in the application. The Board denied the application on July 8, 2003.

3 JURISDICTION

4 4. Statement of Issues No. 2004-141 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Statement of Issues and all other statutorily required documents were properly served on
7 Respondent on November 27, 2003. Respondent timely filed her Notice of Defense contesting
8 the Statement of Issues. A copy of Statement of Issues No. 2004-141 is attached as exhibit A and
9 incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Statement of Issues No. 2004-141. Respondent has also carefully read, and understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
16 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
17 against her; the right to present evidence and to testify on her own behalf; the right to the
18 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
19 the right to reconsideration and court review of an adverse decision; and all other rights accorded
20 by the California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Statement of Issues No. 2004-141.

26 9. Respondent agrees that her application for Registered Nursing Licensure is
27 subject to denial and she agrees to be bound by the Board's imposition of discipline as set forth in
28 the Disciplinary Order below.

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1 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
2 A full and detailed account of any and all violations of law shall be reported by Respondent to
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Respondent shall submit completed fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 **Criminal Court Orders:** If Respondent is under criminal court orders, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10 2. **Comply with the Board's Probation Program.** Respondent shall fully
11 comply with the conditions of the Probation Program established by the Board and cooperate
12 with representatives of the Board in its monitoring and investigation of the Respondent's
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
14 within no more than 15 days of any address change and shall at all times maintain an active,
15 current license status with the Board, including during any period of suspension.

16 Upon successful completion of probation, Respondent's license shall be fully
17 restored.

18 3. **Report in Person.** Respondent, during the period of probation, shall
19 appear in person at interviews/meetings as directed by the Board or its designated
20 representatives.

21 4. **Residency, Practice, or Licensure Outside of State.** Periods of
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside
24 of California. Respondent must provide written notice to the Board within 15 days of any change
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
26 returning to practice in this state.

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1 Respondent shall provide a list of all states and territories where she has ever been
2 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
3 provide information regarding the status of each license and any changes in such license status
4 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
5 new nursing license during the term of probation.

6 5. **Submit Written Reports.** Respondent, during the period of probation,
7 shall submit or cause to be submitted such written reports/declarations and verification of actions
8 under penalty of perjury, as required by the Board. These reports/declarations shall contain
9 statements relative to Respondent's compliance with all the conditions of the Board's Probation
10 Program. Respondent shall immediately execute all release of information forms as may be
11 required by the Board or its representatives.

12 Respondent shall provide a copy of this Decision to the nursing regulatory agency
13 in every state and territory in which she has a registered nurse license.

14 6. **Function as a Registered Nurse.** Respondent, during the period of
15 probation, shall engage in the practice of registered nursing in California for a minimum of 24
16 hours per week for 6 consecutive months or as determined by the Board.

17 For purposes of compliance with the section, "engage in the practice of registered
18 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
19 work in any non-direct patient care position that requires licensure as a registered nurse.

20 The Board may require that advanced practice nurses engage in advanced practice
21 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
22 Board.

23 If Respondent has not complied with this condition during the probationary term,
24 and Respondent has presented sufficient documentation of her good faith efforts to comply with
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may
26 grant an extension of Respondent's probation period up to one year without further hearing in
27 order to comply with this condition. During the one year extension, all original conditions of
28 probation shall apply.

1 7. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.

10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 8. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) Maximum - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) Moderate - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

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1 (c) Minimum - The individual providing supervision and/or collaboration has
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse
14 unless the registered nursing supervision and other protections for home visits have been
15 approved by the Board. Respondent shall not work in any other registered nursing occupation
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the
25 Board may request documentation to determine whether there should be restrictions on the hours
26 of work.

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1 10. **Violation of Probation.** If Respondent violates the conditions of her
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Respondent's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Respondent's license, the
8 probationary period shall automatically be extended and shall not expire until the accusation or
9 petition has been acted upon by the Board.

10 11. **License Surrender.** During Respondent's term of probation, if she ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender her license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without
15 further hearing.

16 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer
17 be subject to the conditions of probation.

18 Surrender of Respondent's license shall be considered a disciplinary action and
19 shall become a part of Respondent's license history with the Board. A registered nurse whose
20 license has been surrendered may petition the Board for reinstatement no sooner than the
21 following minimum periods from the effective date of the disciplinary decision:

22 (1) Two years for reinstatement of a license that was surrendered for any
23 reason other than a mental or physical illness; or

24 (2) One year for a license surrendered for a mental or physical illness.

25 12. **Physical Examination.** Within 45 days of the effective date of this
26 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
27 physician assistant, who is approved by the Board before the assessment is performed, submit an
28 assessment of the Respondent's physical condition and capability to perform the duties of a

1 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
2 medically determined, a recommended treatment program will be instituted and followed by the
3 Respondent with the physician, nurse practitioner, or physician assistant providing written
4 reports to the Board on forms provided by the Board.

5 If Respondent is determined to be unable to practice safely as a registered nurse,
6 the licensed physician, nurse practitioner, or physician assistant making this determination shall
7 immediately notify the Board and Respondent by telephone, and the Board shall request that the
8 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
9 shall immediately cease practice and shall not resume practice until notified by the Board.

10 During this period of suspension, Respondent shall not engage in any practice for which a license
11 issued by the Board is required until the Board has notified Respondent that a medical
12 determination permits Respondent to resume practice. This period of suspension will not apply
13 to the reduction of this probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within
15 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
16 practice until notified by the Board. This period of suspension will not apply to the reduction of
17 this probationary time period. The Board may waive or postpone this suspension only if
18 significant, documented evidence of mitigation is provided. Such evidence must establish good
19 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
20 provided. Only one such waiver or extension may be permitted.

21 **13. Participate in Treatment/Rehabilitation Program for Chemical**
22 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
23 period or shall have successfully completed prior to commencement of probation a Board-
24 approved treatment/rehabilitation program of at least six months duration. As required, reports
25 shall be submitted by the program on forms provided by the Board. If Respondent has not
26 completed a Board-approved treatment/rehabilitation program prior to commencement of
27 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
28 a program.

1 If a program is not successfully completed within the first nine months of probation, the Board
2 shall consider Respondent in violation of probation.

3 Based on Board recommendation, each week Respondent shall be required to
4 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
5 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
6 by the Board. If a nurse support group is not available, an additional 12-step meeting or
7 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
8 such attendance to the Board during the entire period of probation. Respondent shall continue
9 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
10 mental health examiner and/or other ongoing recovery groups.

11 **14. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
12 shall completely abstain from the possession, injection or consumption by any route of all
13 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a
14 health care professional legally authorized to do so as part of documented medical treatment.
15 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the
16 prescribing health professional, a report identifying the medication, dosage, the date the
17 medication was prescribed, the Respondent's prognosis, the date the medication will no longer
18 be required, and the effect on the recovery plan, if appropriate.

19 Respondent shall identify for the Board a single physician, nurse practitioner or
20 physician assistant who shall be aware of Respondent's history of substance abuse and will
21 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
22 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
23 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
24 condition. If any substances considered addictive have been prescribed, the report shall identify a
25 program for the time limited use of any such substances.

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1 The Board may require the single coordinating physician, nurse practitioner, or
2 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
3 addictive medicine.

4 15. **Submit to Tests and Samples.** Respondent, at her expense, shall
5 participate in a random, biological fluid testing or a drug screening program which the Board
6 approves. The length of time and frequency will be subject to approval by the Board.
7 Respondent is responsible for keeping the Board informed of Respondent's current telephone
8 number at all times. Respondent shall also ensure that messages may be left at the telephone
9 number when she is not available and ensure that reports are submitted directly by the testing
10 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
11 to the Board by the program and Respondent shall be considered in violation of probation.

12 In addition, Respondent, at any time during the period of probation, shall fully
13 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
14 tests and samples as the Board or its representatives may require for the detection of alcohol,
15 narcotics, hypnotics, dangerous drugs, or other controlled substances.

16 If Respondent has a positive drug screen for any substance not legally authorized
17 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
18 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
19 from practice pending the final decision on the petition to revoke probation or the accusation.
20 This period of suspension will not apply to the reduction of this probationary time period.

21 If Respondent fails to participate in a random, biological fluid testing or drug
22 screening program within the specified time frame, Respondent shall immediately cease practice
23 and shall not resume practice until notified by the Board. After taking into account documented
24 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
25 Board may suspend Respondent from practice pending the final decision on the petition to
26 revoke probation or the accusation. This period of suspension will not apply to the reduction of
27 this probationary time period.

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1 16. **Mental Health Examination.** Respondent shall, within 45 days of the
2 effective date of this Decision, have a mental health examination including psychological testing
3 as appropriate to determine her capability to perform the duties of a registered nurse. The
4 examination will be performed by a psychiatrist, psychologist or other licensed mental health
5 practitioner approved by the Board. The examining mental health practitioner will submit a
6 written report of that assessment and recommendations to the Board. All costs are the
7 responsibility of Respondent.

8 Recommendations for treatment, therapy or counseling made as a result of the mental health
9 examination will be instituted and followed by Respondent.

10 If Respondent is determined to be unable to practice safely as a registered nurse,
11 the licensed mental health care practitioner making this determination shall immediately notify
12 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
13 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
14 practice and may not resume practice until notified by the Board. During this period of
15 suspension, Respondent shall not engage in any practice for which a license issued by the Board
16 is required, until the Board has notified Respondent that a mental health determination permits
17 Respondent to resume practice. This period of suspension will not apply to the reduction of this
18 probationary time period.

19 If Respondent fails to have the above assessment submitted to the Board within
20 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
21 practice until notified by the Board. This period of suspension will not apply to the reduction of
22 this probationary time period. The Board may waive or postpone this suspension only if
23 significant, documented evidence of mitigation is provided. Such evidence must establish good
24 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
25 provided.

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PAUL V. BISHOP
Deputy Attorney General

Attorneys for Complainant

Attorneys for Complainant

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2004-141

13 KATHY ANN ARREDONDO
1645 Willow Ave
Clovis, CA 93612

STATEMENT OF ISSUES

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of
19 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about March 28, 2003, the Board of Registered Nursing,
22 Department of Consumer Affairs received an application for a Registered Nurse License from
23 Kathy Ann Arredondo (Respondent). On or about March 21, 2003, Kathy Ann Arredondo
24 certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on July 8, 2003.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2761 of the Code states in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

5. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption,
7 or self-administration of any of the substances described in subdivisions (a) and (b) of this
8 section, or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11 "(d) Be committed or confined by a court of competent jurisdiction for
12 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)
13 and (b) of this section, in which event the court order of commitment or confinement is prima
14 facie evidence of such commitment or confinement.

15 6. Section 480 states, in pertinent part:

16 "(a) A board may deny a license regulated by this code on the grounds that the
17 applicant has one of the following:

18 "(1) Been convicted of a crime. A conviction within the meaning of this section
19 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
20 which a board is permitted to take following the establishment of a conviction may be taken
21 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
22 or when an order granting probation is made suspending the imposition of sentence, irrespective
23 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

24 "(2) Done any act involving dishonesty, fraud or deceit with the intent to
25 substantially benefit himself or another, or substantially injure another; or

26 "(3) Done any act which if done by a licensee of the business or profession in
27 question, would be grounds for suspension or revocation of license.

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1 "The board may deny a license pursuant to this subdivision only if the crime or act
2 is substantially related to the qualifications, functions or duties of the business or profession for
3 which application is made.

4 **DRUGS**

5 7. "Cocaine" is a Schedule II controlled substance as designated by Health &
6 Safety Code section 11055(b)(6).

7 **FIRST GROUND FOR DENIAL OF APPLICATION**

8 (Conviction of Crime)

9 8. Grounds exist to deny the application of Applicant/Respondent under
10 section 480(a)(1) of the Code in that on or about December 7, 1988, Respondent was convicted
11 by the court upon her plea of violating Penal Code section 470 (forgery), in Santa Cruz County
12 Superior Court, Case Number CR 1972, entitled People v. Kathleen Ann Kensinger.

13 9. The circumstances of the conviction are substantially related to the
14 qualifications, functions or duties of a licensed Registered Nurse within the meaning of sections
15 2761 and 2765 of the Code, in that it evidences to a substantial degree a present or potential
16 unfitness on the part of Applicant/Respondent to perform the functions authorized by the license
17 in a manner consistent with the public health, safety, or welfare when, on or about May 24, 1988,
18 in the County of Santa Cruz, Applicant/Respondent willfully and unlawfully made, passed, or
19 attempted to pass a fictitious check, draft, and order to be fictitious, with the intent to defraud
20 Pacific Western Bank and Elmer Kensinger.

21 **SECOND GROUND FOR DENIAL OF APPLICATION**

22 (Conviction of Crime)

23 10. Grounds exist to deny the application of Applicant/Respondent under
24 section 480(a)(1) of the Code in that on or about September 28, 1987, Applicant/Respondent was
25 convicted by the court upon her plea of violating Penal Code section 499(b)(taking a vehicle for
26 temporary use), in Santa Cruz County Superior Court, Case Number 47-04093, entitled People v.
27 Kathy Kensinger.

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11. The circumstances of the conviction are substantially related to the qualifications, functions or duties of a licensed Registered Nurse within the meaning of sections 2761 and 2765 of the Code, in that it evidences to a substantial degree a present or potential unfitness on the part of Applicant/Respondent to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare when, Applicant/Respondent without the permission of the owner thereof, took an automobile, bicycle, motorcycle, or other vehicle or motorboat or vessel, for the purpose of temporarily using or operating the same.

THIRD GROUND FOR DENIAL OF LICENSURE

(Commission of Dishonest, Fraudulent, or Deceitful Act)

12. Grounds exists to deny Applicant/Respondent's application for licensure under section 480(a)(2) of the Code in that, as set forth under paragraphs 8 through 11 above, Applicant/Respondent has committed acts involving dishonesty, fraud or deceit.

FOURTH GROUND FOR DENIAL OF LICENSURE

(Acts as Grounds for Revocation or Suspension of Licensure)

13. Grounds exists to deny Applicant/Respondent's application for licensure under section 480(a)(3) of the Code in that, as set forth under paragraphs 8 through 11 above, Applicant/Respondent committed acts which if done by a licentiate would have been grounds for suspension or revocation of the license under section 2761 & 2765 of the Code.

FIFTH GROUND FOR DENIAL OF LICENSURE

(Acts as Grounds for Revocation or Suspension of Licensure)

14. Grounds exist to deny the application of Applicant/Respondent under section 480(a)(3) of the Code in that on or about November 8, 1999, Applicant/Respondent obtained and possessed crack cocaine and a crack pipe, without prescription therefor, and without any other legal authority to do so, in violation of Health and Safety Code section 11350(a), an act which if done by a licentiate would have been grounds for suspension or revocation of the license under sections 2761 & 2765 of the Code.

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1 SIXTH GROUND FOR DENIAL OF LICENSURE

2 (Disciplinary Action by the Board of Vocational Nursing and Psychiatric Technicians)


3 15. Grounds exist to deny Respondent's application under Code section
4 2761(a)(4) in that on or about August 28, 2002, the Board of Vocational Nursing and Psychiatric
5 Technicians issued and automatically revoked her Vocational Nurse License, based upon the
6 facts alleged in paragraphs 8 through 11 and 14 above. However, that revocation was stayed and
7 she was placed on (3) three years probation with certain terms and conditions.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Denying the application of Kathy Ann Arredondo for a Registered Nurse
12 License;
13 2. Taking such other and further action as deemed necessary and proper.

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15 DATED: 12/15/03

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19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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trf 12/10/03